

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 3:05-CV-30022

ALL STATES ASPHALT, INC.,

Plaintiff

v.

FIREMAN'S FUND INSURANCE  
COMPANY,

Defendant

**JOINT MOTION TO CONTINUE  
SCHEDULING CONFERENCE**

The parties hereby move that the Court continue the scheduling conference presently scheduled for May 20, 2005 at 12:00 p.m., until June 23, 24, 28, 2005, or some other date convenient to the Court.

As grounds therefor, the parties state as follows:

1. Main counsel for the Plaintiff, Irving D. Labovitz, expects to be out of the country on a prescheduled anniversary cruise commencing on the date of the conference, and will not be available for approximately 18 days thereafter.
2. Counsel for the Defendant expects to be on trial or held for trial during the month of June, and expects to be available during the dates referenced above.

WHEREFORE, the parties hereby request that the scheduling conference be continued to either June 23, 24, 28, 2005 or some other date convenient for the Court.

Respectfully submitted

**Assented to:**

The Defendant,  
Fireman's Fund Insurance Company,  
By its Attorney

The Plaintiff,  
All States Asphalt, Inc.,  
By its Attorneys,

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/s/

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Dated: April 28, 2005

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/s/

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Dated: April 28, 2005

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Dated: April 28, 2005